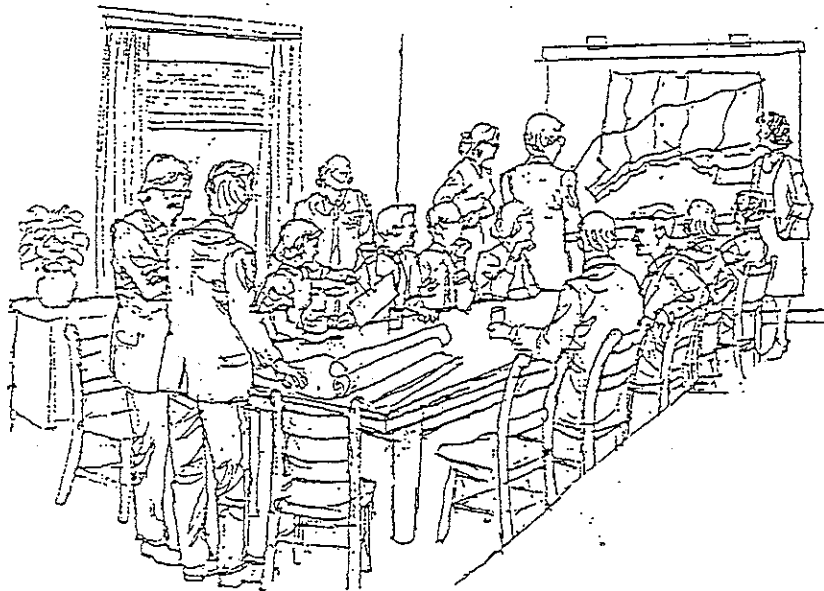


SELECTION OF CONSULTANTS



CONNECTICUT DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

CONSULTANT SELECTION STATUTES

Sec. 13b-20a. Regulations re hiring of consultants. Section 13b-20a is repealed.
(P.A. 79-53; P.A. 83-521, S. 12, 13.)

Sec. 13b-20b. Definitions. As used in sections 13b-20b to 13b-20k, inclusive:

- (a) "Commissioner" means the Commissioner of Transportation;
- (b) "Consultant" means any architect, professional engineer, landscape architect, land surveyor or accountant who is registered or licensed to practice his profession in accordance with the applicable provisions of the general statutes, any planner or any environmental, management or financial specialist;
- (c) "Consultant services" includes those professional services rendered by architects, professional engineers, landscape architects, land surveyors, accountants, planners or environmental, management or financial specialists, as well as incidental services that members of such professions and those in their employ are authorized to perform;
- (d) "Firm" means any individual, partnership, corporation, joint venture, association or other legal entity authorized by law to practice the profession of architecture, landscape architecture, engineering, land surveying, accounting, planning or environmental, management or financial specialization;
- (e) "Selection panel" means the evaluation and selection panel established under section 13b-20c; and
- (f) "Negotiation committee" means the committee established under section 13b-20d.

(P.A. 83-521, S. 1, 13; P.A. 84-546, S. 36, 173.)

History: P.A. 84-546 made technical changes in definition of "consultant"; in 1999 a reference to Sec. 13b-20l was changed editorially by the Revisors to Sec. 13b-20k, since section 13b-20l was repealed by P.A. 98-182.

Sec. 13b-20c. Consultant services evaluation and selection panels. There is established within the Department of Transportation one or more consultant services evaluation and selection panels which shall consist of the following persons from within the department: (1) Three individuals appointed by the commissioner; (2) one individual appointed by the bureau head of the bureau for which the specific project is being performed, subject to the approval of the commissioner; and (3) one individual appointed

by the bureau head of any other bureau if such other bureau is requesting the specific consultant services and if such bureau will be responsible for the administration of the consultant contract, subject to the approval of the commissioner.

(P.A. 83-521, S. 2, 13; P.A. 85-613, S. 149, 154; P.A. 91-124, S. 4.)

History: P.A. 85-613 made technical changes, authorizing multiple panels where previously a single panel was mentioned and deleting references to "modal" bureaus; P.A. 91-124 deleted the provision requiring that appointees of the commissioner on the selection panels serve for a one-year term.

Sec. 13b-20d. Negotiation committees. There shall be within the Department of Transportation one or more negotiation committees each of which shall consist of three individuals, appointed by the commissioner from within the department, none of whom shall be members of a selection panel.

(P.A. 83-521, S. 3, 13; July Sp. Sess. P.A. 85-1, S. 12, 15.)

History: July Sp. Sess. P.A. 85-1 authorized multiple committees where previously a single committee was mentioned.

Sec. 13b-20e. Prequalification of consultants. Letters of interest for provision of consultant services. (a) Any consultant who desires to provide consulting services to the department in any calendar year shall be required to submit, not later than the fifteenth day of November immediately preceding such calendar year, information concerning their qualifications as may be required by the department. Such consultants shall provide the department with additional or updated information upon request by the department. The commissioner shall by January first, annually, analyze the information submitted and determine those consultants qualified to perform services in areas of expertise established by the department. The commissioner shall publish annually, in accordance with the provisions of section 13b-20g, at any time between September first to October first, a notice that any person, firm or corporation which desires to be listed with the department as a consultant shall submit such information as required pursuant to this subsection to the department. Such notice shall also list the areas of expertise likely to be needed by the department during the next calendar year.

(b) Except as provided in subsection (c) of this section, any consultant, who has not submitted his qualifications to the department, pursuant to subsection (a) of this section, shall not be eligible to perform consultant services for the department. Any prequalified consultant, who has submitted his qualifications to the department, pursuant to subsection (a) of this section, who desires to provide consultant services to the department in response to a notice published in accordance with the provisions of section 13b-20g shall submit only a letter of interest to that effect.

(c) If the prequalified list contains less than five consulting firms or does not include a consultant with a particular expertise required by the department, any consultant may submit a letter of interest to the department in response to a notice published, in accordance with the provisions of section 13b-20g. The letter of interest shall set forth the consultant's qualifications for performing the specific service sought by the department. The selection panel shall then develop a qualified list of consultants in accordance with sections 13b-20i and 13b-20j.

(P.A. 83-521, S. 4, 13; P.A. 89-152, S. 1; P.A. 91-124, S. 5.)

History: P.A. 89-152 inserted new Subsec. (a) re process for prequalification of consultants and designated former provisions as Subsec. (b); P.A. 91-124 in Subsec. (a) changed the submittal date from November thirtieth to the fifteenth and deleted the provision requiring consultants moving into the state or expanding their services to submit information to the department, in Subsec. (b) added language making prequalification mandatory for those consultants desiring to provide services to the department and added a new Subsec. (c) establishing procedures for the department to obtain consultant when the prequalification list does not contain a consultant with the necessary expertise or when the list contains less than five consultants.

Sec. 13b-20f. Evaluation of consultants having active agreements with department. The performance of all consultants who have active agreements with the department shall be evaluated by the supervising unit within the bureau utilizing the consultant services, at six-month intervals and upon completion of the consultant services. Each such evaluation shall be kept on file in the supervising unit and a copy filed with the permanent selection panel.

(P.A. 83-521, S. 5, 13.)

Sec. 13b-20g. Notice of need for consultants. Responses. Whenever there is a need to engage a consultant, the commissioner shall publish a notice in appropriate professional magazines, professional newsletters and newspapers indicating the general scope of the assignment and requesting responses in accordance with subsection (b) of section 13b-20c, and at least once in one or more newspapers having a circulation in each county of the state. Responses shall be received at the Department of Transportation not later than fourteen days after the last date on which the notice is published, unless additional time is specifically authorized by the commissioner, or not later than any specific date set forth in such notice. For certain specialized projects the notice may also solicit a full work proposal in addition to the technical qualifications of a firm.

(P.A. 83-521, S. 6, 13; P.A. 89-152, S. 2.)

History: P.A. 89-152 made technical change.

Sec. 13b-20h. Selection panel. Responsibilities. Meetings. (a) A selection panel shall be responsible for the preparation of the evaluation of interested consultants and for the development of a list of prospective consultants for each specific project.

(b) Meetings of a selection panel may be called any time during normal working hours. All motions and decisions shall require for passage the affirmative vote of at least three of the members.

(c) A selection panel shall screen all responses submitted in proper form for a project and shall select five consultant firms for further consideration for appointment and award of a contract. If fewer than five responses are received, all responses shall be considered as eligible for further consideration.

(P.A. 83-521, S. 7, 13; P.A. 85-613, S. 150, 154; P.A. 89-152, S. 3; P.A. 91-124, S. 6.)

History: P.A. 85-613 made technical changes; P.A. 89-152 made technical change; P.A. 91-124 in Subsec. (c) changed the number of firms the department shall interview for a project from seven to five.

Sec. 13b-20i. Criteria for selection of consultants. In making the initial review of responses and in all other steps of the selection process, the commissioner and the selection panel shall be guided by the following objective criteria:

- (1) Specialized design and technical competence of the consultant firm regarding the types of service required;
- (2) Capacity and capability of the firm to perform the work, including any specialized services, within the time limitations;
- (3) Past record of performance on contracts with the state and other clients with respect to such factors as control of costs, quality of work, conformance with program and cooperation with client;
- (4) The volume of work performed by the firm within the previous three years for the Department of Transportation and the volume of work to be completed by such

firm, if any, with the objective of effecting an equitable distribution of contracts among qualified firms and of assuring that the interest of the public in having available a substantial number of qualified firms is protected, provided, the principle of selection of the most highly qualified firms is not violated; and

(5) Where a full work proposal process is utilized, the degree to which the consultant's proposal satisfies the requirements of the department.

(P.A. 83-521, S. 8, 13; P.A. 89-152, S. 4.)

History: P.A. 89-152 added provision in Subdiv. (4) re providing department with information re work to be completed by firm for the department.

Sec. 13b-20j. Procedure for selection of consultants. Memorandum re application of evaluation criteria. (a) A selection panel shall conduct interviews with the five consultant firms selected, or if fewer than five responses are received, the panel shall conduct interviews with all such firms and present the names of all the consultant firms responding to the commissioner.

(b) A selection panel shall proceed to furnish a list of the most qualified consultant firms to the commissioner, or the names of all the consultant firms responding if fewer than five respond. A panel shall prepare a memorandum of the selection process, indicating how the evaluation criteria were applied to determine the most qualified firms, which shall be available to the public after execution of the contract with the selected consultant. The commissioner shall select a consultant from among the list of firms submitted by a selection panel. After the commissioner has made his selection, the names of the consultant firms submitted to the commissioner shall be available to the public upon request. The commissioner shall also prepare a memorandum of the final phase of the selection process, indicating how he applied the evaluation criteria to determine the most qualified firm. Such memorandum shall be available to the public after execution of the contract with the selected consultant.

(P.A. 83-521, S. 9, 13; P.A. 85-613, S. 151, 154; P.A. 91-124, S. 7.)

History: P.A. 85-613 made technical changes; P.A. 91-124 in Subsecs. (a) and (b) changed the number of firms the department shall interview for a project from seven to five.

Sec. 13b-20k. Negotiations with selected consultants. Memorandum re negotiations. (a) Upon notification by the commissioner of his selection, the bureau head who will administer the contract shall notify the consultant of his selection. The selected firm shall be audited if necessary prior to negotiations and also during the contract life in accordance with federal statutes, the general statutes and regulations adopted pursuant to such statutes. A member of the negotiation committee shall be present at all such audit meetings.

(b) The selected consultant shall send its fee proposal to the negotiation committee. The appropriate bureau of the department shall prepare a comparative fee proposal that shall also be submitted to a negotiation committee. The committee shall complete negotiations and submit appropriate data to the initiating bureau for the purpose of processing an agreement.

(c) Prior to a contract being executed, the selected consultant shall execute a certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete and current at the time of contracting and the consultant firm shall provide to the bureau responsible for administering the project a list of individuals who are expected to contribute to the project.

(d) Any such contract shall contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the commissioner determines the contract price was increased due to inaccurate, incomplete or noncurrent wage rates and other factual unit costs. All such contract adjustments shall be made within one year following the end of the contract.

(e) If the negotiation committee is unable to negotiate a satisfactory contract with the firm selected by the commissioner, at a price the committee determines to be fair, competitive and reasonable, negotiations with that firm shall be formally terminated. The commissioner shall select a consultant from the remaining firms on the list submitted by the selection panel and the procedure established under this section shall be followed.

(f) Should the negotiation committee be unable to negotiate a satisfactory contract with any of the firms selected by the panel, the panel shall select additional firms and the procedures established under section 13b-20j and this section shall be followed.

(g) After award of a contract under sections 13b-20b to 13b-20k, inclusive, the negotiation committee shall prepare a memorandum setting forth the principal elements of the negotiations with each firm. Such memorandum shall contain sufficient detail to reflect the significant considerations controlling price and other terms of the contract. The memorandum shall be available to the public upon request.

(P.A. 83-521, S. 10, 13; P.A. 85-613, S. 152, 154.)

History: P.A. 85-613 made technical change; in 1999 a reference to Sec. 13b-20l in Subsec. (g) was changed editorially by the Revisors to Sec. 13b-20k, since section 13b-20l was repealed by P.A. 98-182.

Sec. 13b-20l. Regulations re selection of consultants. Section 13b-20l is repealed, effective July 1, 1998.

(P.A. 83-521, S. 11, 13; P.A. 98-182, S. 21, 22.)

Sec. 13b-20m. Guidelines for determining reasonableness of consultant services. In order to promote engineering and design quality and ensure maximum competition by firms providing consultant services, as defined in section 13b-20b, the Secretary of the Office of Policy and Management, in consultation with the Commissioner of Transportation, shall establish guidelines for determining the reasonableness and allowability of various cost factors which shall include, but not be limited to, salary limits, benefits and expense reimbursement.

(P.A. 96-222, S. 24, 41.)

History: P.A. 96-222 effective June 4, 1996.

OPERATIONAL GUIDELINES
FOR
SELECTION OF CONSULTANTS
BY THE
CONNECTICUT DEPARTMENT OF TRANSPORTATION

Prepared by: CONNECTICUT DEPARTMENT OF TRANSPORTATION

INTRODUCTION

In accordance with Sections 13b-20b through 13b-20l of the Connecticut General Statutes (C.G.S.) the Connecticut Department of Transportation (Department) has adopted procedures for obtaining professional consulting services (see, Section 13b-20a-12 through 13b-20a-25 of the Regulations of Connecticut State Agencies). These procedures are intended to permit the Department to select Consultants and award contracts for various professional services on an impartial, equitable and rational basis.

Consistent with these procedures, the following internal Operational Guidelines have been developed to insure the integrity of the selection process and to better define the duties and responsibilities of the Selection Panel(s) and the various Bureaus of the Department. In some instances, these guidelines may be stricter than the legislation requires.

It is incumbent upon all Bureaus of the Department to institute appropriate measures as outlined herein, that will satisfy our obligations in the hiring of Consultants.

EXEMPTIONS

These operational guidelines only apply when the Department is hiring Consultants. They do not apply to municipalities, transit districts, planning agencies, etc., who are retaining consultants directly, even though State or Federal monies are provided through the Department.

These guidelines do not include consultants as defined in:

- a) OPM Statutes Sections 4-205 through 4-211,
- b) DAS Statutes Sections 4a-50 through 4a-60a,
- c) DPW Statutes Sections 4b-55 through 4b-59.

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Sec. 1.0 ORGANIZATION OF CONSULTANT SERVICES EVALUATION AND SELECTION PANELS

In accordance with C.G.S. Section 13b-20c, one or more Consultant Services Evaluation and Selection Panels (Selection Panels) may be established within the Department of Transportation to evaluate, interview and furnish to the Commissioner a list of most qualified consulting firms for each anticipated contract for professional services.

The Commissioner shall appoint three individuals from within the Department to serve as members of each Selection Panel, normally for one year terms. One additional individual, approved by the Commissioner, shall be appointed by the Bureau head requesting consultant services for a specific project and having responsibility for administration of the consultant contract. One additional individual approved by the Commissioner, may be appointed by the Bureau head of any Bureau for which a specific project is being administered by another Bureau.

The Commissioner shall designate one permanent member of each Selection Panel to serve as Chairperson. The Selection Panel(s) shall report directly to the Commissioner. The Commissioner may also designate such staff as necessary to coordinate and administer the policy and procedures of this program. This staff shall be known as the Consultant Selection Office. In lieu of such designation, the Selection Panel Chairperson shall be responsible for administering all items assigned herein to the Consultant Selection Office.

Sec. 2.0 ORGANIZATION OF THE CONSULTANT SELECTION OFFICE

The Consultant Selection Office (CSO) shall be a unit of the Office of the Commissioner. It shall be responsible for the administration and execution of all procedures necessary for the selection of professional services firms (consultants) engaged by the Department. It shall provide the Selection Panels and the Commissioner with all information necessary to perform their duties in accordance with all relevant State statutes and Department policy and procedures. It shall provide guidance to Department staff for the initial steps and procedures in retaining consultants.

The staff of the CSO will act as the administrative liaison between the Commissioner and the Selection Panel(s), coordinate all panel activities, review schedules, act as spokesperson for the Department with consulting firms, and provide the Selection Panel(s) with all the support necessary to promote integrity, equity and quality in the selection of consultants required by the Department.

The CSO shall be the clearinghouse for the review and approval of all legal notices and consultant notification letters. They shall also be responsible for the coordination of the annual consultant prequalification process, the notification to Disadvantaged Business Enterprise (DBE) firms on such projects containing DBE goal requirements and for retaining consultant past performance evaluation summaries, volume of work information and data, and a file on all pertinent information on each Selection Panel review.

Sec. 3.0 PERFORMANCE EVALUATION OF CONSULTANTS

The performance of all Consultants who have active agreements with the Department shall be evaluated by the supervising unit within the Bureau utilizing a consultant service at six-month intervals and at the completion of each project (see, C.G.S. Section 13b-20f). For projects less than six months in duration, at least one performance evaluation shall be prepared. Performance evaluations shall be completed in such format and on such forms as developed by the Department specifically for the purposes of this evaluation. The completed and approved evaluations shall be kept on file by the supervising unit and a copy filed with the CSO. The Bureau will forward a copy of the Consultant Performance Evaluations prepared by the supervising unit to the CSO prior to January 31 and July 31 of each year. The Selection Panels shall consider this data in the selection process for current projects. The Selection Panel reserves the right to contact outside sources familiar with the Consultant's work for additional input and references, especially in the case of firms without a performance evaluation rating in the activity being considered for assignment.

It will be incumbent upon the Bureau to submit a revised Consultant Performance Evaluation to the CSO at any time if, in the opinion of the supervising unit, the Consultant's performance has changed significantly (positively or negatively) from that reported in the previous evaluation. All Consultant Performance Evaluations Forms shall be treated by the Selection Panel(s) and the CSO as strictly confidential.

The originating Bureau, exclusively, will be responsible for conducting briefings with consultants wishing to review their evaluations.

Sec. 4.0 RESPONSIBILITIES FOR FISCAL RECORDS

The Administrator, Office of Finance, Bureau of Finance and Administration will be responsible for assembling and updating the most recent three (3) year volume of work requirements. This will include the total dollar amount performed by each firm, the dollar volume of work remaining, the number of projects involved, and the

percentage that the total dollar amount performed by each firm is to the total dollar amount performed by all firms for the most recent three (3) year period. It is incumbent upon each fiscal operating office to keep accurate and up-to-date fiscal records on each consultant and sub-contracting consultant having active, inactive or pending contracts within their Bureau. This information shall be made available to the CSO upon request.

Sec. 5.0 PREQUALIFICATION

Section 13b-20e of C.G.S. requires that consultant firms be prequalified by the Department each calendar year. The CSO shall administer all procedures to implement the prequalification program. A legal notice shall be published during the month of September in various newspapers and professional trade magazines indicating the various expertise likely to be needed by the Department during the next calendar year. Firms must submit their qualifications by November 15. Any expertise required during the year that was not included in the legal notice shall be advertised for separately in accordance with C.G.S. Section 13b-20g.

The Commissioner shall, by Administrative Memorandum, appoint a Technical Qualifications Panel to review and analyze the consultant submittals. Prior to January first, the Technical Qualifications Panel shall notify the Commissioner of those consultants qualified to perform services in the areas of expertise indicated in the legal notice. All submittals shall be retained by the CSO and may be referred to by a Selection Panel at any time during the selection process.

All consultants shall be notified by mail of the approval or rejection of their prequalification request. Any consultant that is rejected may appeal the decision to the Technical Qualification Panel within the time frame indicated in the letter (normally fourteen (14) days).

Sec. 6.0 REQUESTS TO ENGAGE CONSULTANTS

Any Bureau desiring to engage the professional services of a consultant shall obtain the written approval of the Commissioner for such action. A memorandum from the Bureau head to the Commissioner requesting the retention of a consulting firm should contain a description of the project, the reason for soliciting outside services, a project cost estimate, the designated Bureau representative to serve on the Selection Panel, the established DBE/SBE goal requirement (if available) and a scope of services (as extensive as possible). The Bureau must also include the proposed consultant notification letter or legal notice and the proposed project evaluation rating form. Whenever feasible, the originating unit will consolidate similar projects for a single solicitation

thus enabling a Selection Panel to perform multiple, simultaneous reviews and reduce a duplication of effort.

The CSO shall provide assistance to the originating unit in the preparation of a request to engage a consultant.

Sec. 7.0 NOTIFICATION AND ADVERTISEMENT PROCEDURES

When a Bureau determines there is a need to request the Commissioner's approval to engage the services of a consultant, the Bureau's originating unit shall contact the CSO to determine if a prequalified list is available for the required expertise.

If a prequalified list is obtained from the CSO, a notification letter will be prepared by the Bureau and sent by mail to each consultant on the list notifying them of the Department's need, the general scope of the assignment, the information required for evaluation, the submittal date deadline and any other pertinent information. The CSO shall review and approve the letter prior to the mailing.

If a prequalified list is not available, a legal notice shall be published by the Bureau in accordance with Section 13b-20e and Section 13b-20g of the C.G.S.. The CSO shall review and approve the notice prior to publication. All legal notices shall indicate the general scope of the assignment and request technical qualification proposals only, except for certain limited circumstances that absolutely require the initial solicitation of a full work scope and qualification proposal (for instance, where federal grant funds are fixed and where the approach to providing services is either unknown by the Bureau or is extremely variable in nature). At a minimum, the legal notice should request a letter of interest, current Federal Standard Forms (SF) 254 and 255, and resumes of key personnel specific to the advertised project.

Any requirements of the Disadvantaged Business Enterprise Steering Committee for DBE/SBE utilization shall be ascertained by the Bureau and included in the notification letter to prequalified firms or advertisement if time permits. It may be necessary to include a general statement relative to the possibility of requiring DBE/SBE participation if there is insufficient lead time for a definite finding prior to the advertisement.

Sec. 8.0 CONSULTANT RESPONSES

Responses to the notification letters or the published legal notices shall be received by the originating Bureau and forwarded to the CSO within seven days of the submittal due date. The originating unit shall forward a memorandum to the CSO which shall include a listing of all responding firms, all letters of interest, any other correspondence received and a request to proceed with the selection process. There shall be no pre-screening of the submittals or disqualification by the originating unit or any other Department personnel. No submittals shall be returned and no additional information on the assignment shall be provided without prior approval by the CSO.

Sec. 9.0 RESPONSIBILITIES - CONSULTANT SELECTION PANEL CHAIRPERSON

The Panel Chairperson, upon notification by the Commissioner of an assignment, shall coordinate a schedule for meetings and review of the consultant submittals with the other Panel members and the Bureau representative. If an alternate Panel member is necessary, the Chairperson must prepare a memorandum for the Commissioner's approval. The Chairperson shall forward the schedule to the CSO. The CSO will forward all information on file relative to the assignment to the Chairperson and the other Panel members. The Panel should meet prior to the due date of the letters of interest to thoroughly review the assignment, including, but not limited to, the schedule, the project evaluation rating form and the manner in which the submittals will be reviewed. The goal of each Panel should be to complete the selection process within thirty (30) days of receipt of the submittals. The Chairperson is responsible to resolve any outstanding Panel issues or concerns and, if necessary, request assistance from the CSO. The Chairperson may also request information from other sources as necessary to enable an evaluation of the consultant submittals in accordance with all relevant State statutes and Department policy and procedures.

Upon completion of the review of the consultant submittals, the Chairperson will establish a date, time, location and format for the interview and submit this information to the CSO for the issuance of the notification letters to the firms selected for an interview (the short list). The Chairperson shall be responsible to meet with the panels members and any other Department staff to develop the interview questions and the interview rating form. The Chairperson will conduct the interview and lead the deliberations of the Panel in formulating the most qualified list. At the conclusion of the Panel's review, the Chairperson shall prepare a memorandum to the Commissioner in accordance with C.G.S. Section 13b-20j indicating the list of the most qualified firms.

Sec. 10.0 DUTIES AND RESPONSIBILITIES OF SELECTION PANELS

A Selection Panel shall be responsible for the evaluation of all properly submitted consultant proposals utilizing uniform criteria appropriate to the nature of the proposed services. The evaluation and selection process shall be in full compliance with Section 13b-20h thru Section 13b-20j of the C.G.S.. Each Selection Panel is an independent entity, responsible only to the Commissioner. There shall be no actions taken by any officials or individuals, either within or outside the Department to attempt to influence the impartial and independent actions of a Selection Panel. Selection Panel members shall be released from their normal Bureau assignments on an as-needed basis to fulfill their Selection Panel obligations. A Selection Panel shall be involved with all proposed consultant selections for professional services except in those situations where the Commissioner deems it necessary to hire consultants under emergency procedures. Meetings of a Selection Panel may be called by any of its' members at a mutually convenient time during normal working hours. All motions and decisions shall require the affirmative vote of three (3) members for passage.

A Selection Panel shall make every effort to perform its' duties in a timely manner. A Selection Panel shall act on requests for consultant services in order of Departmental priority as established by the Commissioner. In certain limited cases where the Selection Panel must consider both work proposals as well as technical qualification proposals, the Chairperson of a Selection Panel may request manpower assistance from the affected Bureau. Personnel designated for such work shall be answerable only to the Selection Panel Chairperson for the duration of their assignment.

Members of a Selection Panel shall not discuss any aspect of the Consultant selection process with a consultant prior to, during or upon conclusion of the selection process. During the submittal period (the time when a consultant may be aware of an assignment), a Panel member shall refer all inquiries on a particular project to other Bureau staff for discussion with a prospective consultant. The CSO exclusively is responsible for discussing any aspect of the selection process with an interested consultant during or after the selection process. All rating forms prepared by the Panel Members are considered strictly confidential by the Department and will only be shown to others under a freedom of information request.

Sec. 11.0 REVIEW OF CONSULTANT SUBMITTALS

The designated Selection Panel may, with the knowledge of the CSO, revise the project evaluation rating form submitted by the originating unit for sufficient cause. The rating criteria will vary from project to project depending on the assignment.

The rating system employed by a Selection Panel shall conform to the mandated criteria stipulated in C.G.S. Section 13b-20i. The rating system shall also be in compliance with all applicable federal guidelines. The rating system for each assignment shall be reviewed and approved by the CSO for consistency and uniformity in application and conformance with the C.G.S. and Department policy and procedures. Any questions or discrepancies which cannot be resolved by the Panel and the CSO shall be submitted to the Office of the Attorney General for advice.

The Selection Panel shall give fair and impartial consideration to all responses received within the stipulated time period from prospective consultants. The panel members shall meet and review all consultant submittals. Firms which did not make a submission in accordance with the notification letter or legal notice may be disqualified. After the initial review of all the submittals by the full panel, each member shall independently rate, using the project evaluation rating form, all firms which the Selection Panel has determined to merit further consideration. The total score of each Panel member from the project evaluation rating form plus the past performance evaluation rating should be totalled for each firm under consideration. The top five firms (the short list) as determined by the Panel shall be requested to attend a personal interview with the Panel.

If the Department is seeking the services of more than one consultant, a minimum of four (4) firms plus the number of consultants required shall be selected by the Panel for an interview.

Sec. 12.0 SELECTION PANEL INTERVIEW PROCEDURE

Upon completion of the review of the letters of interest, the Selection Panel Chairperson shall submit the short list names to the CSO. The CSO shall notify those firms by mail as to the time and place for the interview, the format for such interview and any other pertinent information. The interview format shall be uniform for all consulting firms for each assignment. If the Panel is conducting interviews for more than one assignment, they may group and interview firms for each assignment and ask a different set of questions that are specific to each assignment. In those cases, the Selection Panel may provide a separate list to the Commissioner for each assignment under consideration.

At the interview, the Panel shall ask each firm a set of predetermined questions which are relevant to the proposed assignment. Based on a response, further discussion between the firm and the Panel shall be allowed to clarify or add additional details to a response. The Chairperson shall be responsible to ensure that each firm is given an equal opportunity to respond to the Panel and to keep the responses within an appropriate time

frame. The Consultant will be given a period of time at the conclusion of the questioning to make a statement relative to the assignment(s).

It may be necessary to vary this procedure for a specific assignment (such as allowing a Consultant presentation) and it will be the responsibility of the Chairperson to follow up with the CSO for any necessary changes.

Each panel member shall independently evaluate and rate each consulting firm during or immediately following the interview. Following the completion of the interviews, the panel may discuss their conclusions and adjustments may be made by any panel member based on these discussions. The panel may also agree to secure additional information, based on comments from the interview, prior to finalizing their ratings of the most qualified firms.

Sec. 13.0 SELECTION PANEL FINDINGS

Following the completion of the interviews, the Selection Panel shall proceed to furnish a list of the most qualified consultant firms to the Commissioner.

The Panel Chairperson shall prepare a memorandum indicating how the evaluation criteria was applied to determine the most qualified firms. The memorandum shall include all written comments, the interview rating forms, any additional submitted consultant materials, the project evaluation rating forms and the letters of interest from the finalists. This memorandum shall be available to the public after execution of the negotiated agreement with the selected Consultant.

Sec. 14.0 FINAL SELECTION PROCESS

The Commissioner shall make the final selection from the list of most qualified firms submitted by the Selection Panel. In the process of making the final selection of the most qualified consultant for a specific assignment, the Commissioner shall be guided by the criteria set forth in C.G.S. Section 13b-20i. In addition to the information provided by the Selection Panel, the CSO shall furnish all the background data on the finalists for review by the Commissioner. The Commissioner may request additional information from other sources or individuals that he may deem appropriate to assist him in the final selection process.

After the Commissioner has made his selection, the names of the Consultant firms submitted shall be available to the public upon written request. The Commissioner shall also prepare a memorandum of the final phase of the selection process, indicating how he applied the evaluation criteria to determine the most

qualified firm. This memorandum shall be available for public inspection after execution of the negotiated agreement with the selected consultant.

Sec. 15.0 NOTIFICATION RESPONSIBILITIES

Upon notification by the Commissioner, the Bureau head who will administer the contract shall notify the successful consultant of his selection. This Bureau shall also notify all other consulting firms who responded that they were not selected. Arrangements shall begin for the assignment meetings and negotiations by the Bureau representative and the Negotiations Committee.

Sec. 16.0 MAINTENANCE AND PROTECTION OF RECORDS

Proposals of consultants selected for interview and all non-finalists proposals received by the Department and processed by the Selection Panel shall be returned to the CSO and all materials shall be retained in accordance with the approved Records Retention Schedule.

The CSO shall maintain all internal records, pre-interview selection ratings, post-interview ratings, recommendations, and pertinent correspondence for a minimum of four years after finalization of the Consultant's negotiated agreement. All rating information shall be treated as strictly confidential. However, firms wishing to discuss, in general terms, their initial proposals or their interview presentation may do so through a representative of the CSO. Panel members shall not meet or discuss their evaluations with any Firm or Department personnel, other than the Commissioner if he should so choose.

Sec. 17.0 CODE OF ETHICS

All members of the Selection Panel, both permanent and non-permanent members and any Department personnel working with or for the Selection Panel shall scrupulously comply with both the letter and the spirit of the Department's Policy Statement No. Admin. 10 Code of Ethics Policy and the Code of Ethics provisions contained in the General Statutes of Connecticut.

Sec. 18.0 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Connecticut Department of Transportation to ensure that no person is excluded from participation in, or denied the benefits of, or otherwise subject to discrimination under any contract, agreement, arrangement, program or activity, participated in, funded or sponsored by the Department, on the grounds of race, color, national origin, ancestry, religious creed, sex, age, learning or physical disability, handicap or impairment, mental disability, handicap or impairment, past or present history of mental disorder, mental retardation, marital status, sexual orientation, or criminal record. In the conduct of its work, the Selection Panel shall adhere to policies contained in Policy No. Admin. 1, Title III-Affirmative Action (External) Policy Statement and the Equal Opportunity provisions in both Federal and State Statutes.